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1646  
Attorney Docket No. 19904-008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Rouquier *et al.*  
SERIAL NUMBER: 09/747,155 EXAMINER: Michael T. Brannock  
FILING DATE: December 21, 2000 ART UNIT: 1646  
FOR: NOVEL POLYPEPTIDES AND NUCLEIC ACIDS ENCODING SAME

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Transmitted herewith for filing in the present application are the following documents:

1. Communication (1 pg);
2. Copy of Transmittal Letter for Response to May 16, 2003 Office Communication filed June 2, 2003 (1 pg);
3. Copy of Response to May 16, 2003 Office Communication filed June 2, 2003 (2 pgs);
4. Copy of Substitute Specification filed June 2, 2003 (295 pgs);
5. Copy of Verified Statement filed June 2, 2003 (1 pg);
6. Copy of May 16, 2003 Office Communication (2 pgs);
7. Copy of Express Mail Label U.S. Post Office Date Stamped June 2, 2003 (1 pg);
8. Copy of Return Postcard USPTO Date Stamped June 2, 2003 (1 pg); and
9. Return Postcard.

The Commissioner is authorized to credit any overpayment or charge any deficiencies to Deposit Account No. 50-0311 (Reference No. 19904-008). A duplicate copy of this transmittal letter is enclosed.

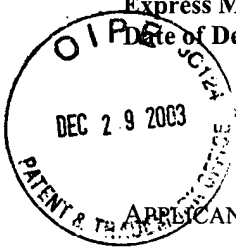
If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned collect at (617) 542-6000, Boston, Massachusetts.

Respectfully submitted,

Dated: December 29, 2003

*Matthew Puro Reg. No. 50,572*

Ivor R. Elrifi, Esq., Reg. No. 39,529  
Attorney for Applicant  
c/o MINTZ LEVIN  
Telephone: (617) 542-6000  
Fax: (617) 542-2241  
Customer No.: 30623



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: Rouquier *et al.*  
SERIAL NUMBER: 09/747,155 EXAMINER: Michael T. Brannock  
FILING DATE: December 21, 2000 ART UNIT: 1646  
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Alexandria, VA 22313-1450

**COMMUNICATION**

This Communication is in response to the telephone conversation of December 29, 2003 between Matthew Pavao, agent for Applicants, and Examiner Michael T. Brannock. This communication supplements Applicants' Response to the May 16, 2003 Office Communication (Paper No. 14, a courtesy copy enclosed) which was filed on June 2, 2003, in above-identified application.

The Examiner indicated to the Applicants that while the Sequence Listing (Paper and CRF copies) accompanying the Response filed June 2, 2003 have been entered into the record of the instant application, the remaining submissions (Response, Substitute Specification and Verified Statement) have been misplaced and are therefore not found as part of the instant file. As requested, Applicants have herein supplied the Examiner with copies of the Response to the May 16, 2003 Office Communication, Substitute Specification and Verified Statement which were timely filed on June 2, 2003.

Applicants believe that no fees are due with this filing. However, the Commissioner is hereby authorized to charge any additional fees that may be due, or credit any overpayment, to Deposit Account No. 50-0311, Attorney Ref. No. 19904-008.

Respectfully submitted,

*Matthew Pavao*  
Iv : Matthew Pavao Reg No. 50,572  
Ivor R. Elrifi, Reg. No. 39,529  
Attorney for Applicants  
c/o MINTZ, LEVIN  
Tel: (617) 542-6000  
Fax: (617) 542-2241  
Customer No. 30623

Dated: December 29, 2003

Date of Deposit: June 2, 2003



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Rouquier *et al.*

SERIAL NUMBER: 09/747,155

EXAMINER: Michael T. Brannock

FILING DATE: December 21, 2000

ART UNIT: 1646

FOR: NOVEL POLYPEPTIDES AND NUCLEIC ACIDS ENCODING SAME

June 2, 2003  
Boston, MassachusettsCommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## TRANSMITTAL LETTER

Transmitted herewith for filing in the present application are the following documents:

1. Response to Office Communication Mailed May 16, 2003 (2 pgs);
2. Substitute Specification (293 pgs);
3. Verified Statement (1 pg);
4. Paper Copy of the Sequence Listing (2 disks);
5. Computer Readable Form Copy of the Sequence Listing (1 disk);
6. Statement in Support of Computer Readable Form (1 pg); and,
7. Return Postcard.

The Commissioner is authorized to credit any overpayment or charge any deficiencies to Deposit Account No. 50-0311 (Reference No. 19904-008). A duplicate copy of this transmittal letter is enclosed.

If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned collect at (617) 542-6000, Boston, Massachusetts.

Respectfully submitted,

Ivor R. Elrifi, Esq., Reg. No. 39,529

Barry S. Marenderg, Esq., Reg. No. 40,715

Attorneys for Applicants

c/o MINTZ LEVIN

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Boston, Massachusetts 02111

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Dated: June 2, 2003



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PATENT TRADEMARK OFFICE

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Date of Deposit: June 2, 2003



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Rouquier *et al.*

SERIAL NUMBER: 09/747,155

EXAMINER: Michael T. Brannock

FILING DATE: December 21, 2000

ART UNIT: 1646

FOR: NOVEL POLYPEPTIDES AND NUCLEIC ACIDS ENCODING SAME

June 2, 2003  
Boston, MassachusettsCommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450VERIFIED STATEMENT

For the Examiner's convenience, a substitute and corrected specification has been submitted in the above-referenced application. The substitute specification is in response to the Communication mailed May 16, 2003. The application now complies with the requirements of 37 CFR 1.821 – 1.825, and all the polypeptide and polynucleotide sequences in the Sequence Listing and the Specification now correspond to each other. The undersigned, a registered patent attorney, asserts that the substitute specification contains no new matter.

Respectfully submitted,

A large, stylized handwritten signature in black ink, likely belonging to Ivor R. Elrifi.

Ivor R. Elrifi Esq., Reg. No. 39,529

Barry J. Malenberg Esq. Reg. No. 40,715

Attorneys for Applicants

c/o MINTZ LEVIN

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Boston, Massachusetts 02111

Telephone: (617) 542-6000

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Dated: June 2, 2003

BJM



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,155	12/21/2000	Sylvie Rouquier	19904-008	9730

30623 7590 05/16/2003

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY  
AND POPEO, P.C.  
ONE FINANCIAL CENTER  
BOSTON, MA 02111



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MAY 19 2003

MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO P.C.

EXAMINER

BRANNOCK, MICHAEL T

ART UNIT PAPER NUMBER

1646

DATE MAILED: 05/16/2003

109

Please find below and/or attached an Office communication concerning this application or proceeding.

<input checked="" type="checkbox"/> Data Entry <input checked="" type="checkbox"/> Docket Entry <input type="checkbox"/> Docket Cross Off <input type="checkbox"/> Previously Entered <input type="checkbox"/> No Docketing Req <input type="checkbox"/> ELITE <input type="checkbox"/> Annulities	Done By  05/16/03 
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UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

DEA/FCE-1994

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	
09747155			ATTORNEY DOCKET NO.

EXAMINER	
Michael Brannock	
ART UNIT	PAPER NUMBER
1646	14

DATE MAILED:

**Please find below a communication from the EXAMINER in charge of this application**

Commissioner of Patents

Applicant's response to the Office Action of 8/27/03 is noted, however, the reply filed on 2/27/03 is not fully responsive to the prior Office action because of the following matter(s): this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 as set forth previously in item 4 of the prior Office Action. Applicant's reply is incomplete: As per item 4, the polypeptide and polynucleotide sequences in the specification do not match those of the Raw sequence listing, e.g. SEQ ID 229 is listed as a nucleic acid at page 123 of the specification, yet the RSL lists it as a protein. Appropriate correction is required.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).** Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the **SIX MONTH** statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

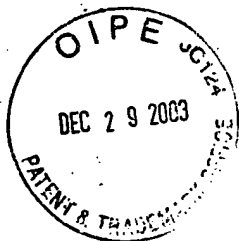
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael T. Brannock, Ph.D., whose telephone number is (703) 306-5876. The examiner can normally be reached on Mondays through Fridays from 9:00 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne Eyler, Ph.D., can be reached at (703) 308-6564

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Michael T. Brannock  
May 15, 2003

YVONNE EYLER, PH.D.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600



Serial No. 09/747,155 File No. 19904-008 <sup>B</sup> By: IRE/BJM  
Title: Novel Polypeptides and Nucleic Acids Encoding Same  
Application of Rouquier et al. Date: Dec. 21, 2000  
The U.S. PTO Mail Room acknowledges receipt of the following on the date stamped hereon:

☐ Req. for CPA under 37 CFR 1.53(d)  
☐ Change of Attorney's Address  
☐ New Power of Attorney  
☐ Patent Application  
☐ Non-provisional ☐ Provisional  
Incl. \_\_\_\_\_ pages, ( \_\_\_\_\_ pgs) Specification,  
( \_\_\_\_\_ pgs) Abstract, ( \_\_\_\_\_ pgs) Claims ( \_\_\_\_\_ # claims)  
☐ Design Patent Application  
☐ Declaration(s)  
☐ Drawings \_\_\_\_\_ sheet(s) (FIGS. \_\_\_\_\_ - \_\_\_\_\_)  
☐ Formal ☐ Informal  
☐ Verified Statement claiming small entity status  
☐ Assignment and Cover Sheet  
☐ Provisional Application Cover Sheet  
☐ Inf. Discl. Statement, PTO Form 1449  
☐ References Cited  
☐ Copy of Notice to File Missing Parts  
☒ Amendment/Response  
☐ Petition for Ext. of Time (x2)  
☐ Issue Fee Transmittal  
☐ Letter to Official Draftsperson  
☐ Notice of Appeal  
☐ Brief (x3)  
☐ Check for \$ \_\_\_\_\_ Check # \_\_\_\_\_  
☒ Transmittal Letter (x2)  
☐ Cert. of Mailing under 37 CFR 1.8(a)  
☒ Express Mail Label No. EV320186608US

☒ Other: Substitute Specification  
Verified Statement  
Paper Copy of Sequence Listing  
Computer Readable Form Copy of Sequence Listing  
Statement in Support of Computer Readable Format

DATE MAILED

June 2, 2003

June 2, 2003